

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of San Diego Gas & Electric  
Company (U-902-E) for Adoption of an  
Advanced Metering Infrastructure  
Deployment Scenario and Associated Cost  
Recovery and Rate Design.

Application 05-03-015  
(Filed March 15, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING SAN DIEGO GAS & ELECTRIC COMPANY  
MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

On March 15, 2005, San Diego Gas & Electric Company (SDG&E) filed its application for adoption of its Advanced Metering Infrastructure deployment plan and a motion for protective order. On March 30, 2005, SDG&E filed an amended application and updated version of the motion and associated documents under seal. The material in the March 30, 2005 filing replaces in its entirety the materials from the March 15, 2005 filing. I will treat the motion for protective order as a motion to file certain materials under seal.<sup>1</sup>

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<sup>1</sup> Parties routinely file motions for protective orders for filed material without filing a motion for leave to file under seal. Instead of filing a motion for protective order in the first instance, parties who seek protection of filed material should first seek protection of that material by filing a motion for leave to file under seal. They should concurrently try to reach a mutually agreeable protective order with active parties for any material for which they seek protection. To the extent that parties are unable to reach an agreeable protective order, then they should seek assistance from the assigned ALJ or the Law & Motion Judge and approval of a protective order.

SDG&E requests that the materials they seek to protect be accorded confidential treatment pursuant to Pub. Util. Code § 583.

The specific material that SDG&E seeks protection for are Appendices A and B to Exhibit 6, Appendix C to Exhibit 13, and Attachment B, Tables B-2 and B-3 to Exhibit 16.<sup>2</sup> This material includes data used to develop load forecasts and SDG&E's cost estimates for pre-deployment and deployment activities including start-up and design work, meter and communications installation, and operation and maintenance at a detailed level. After reviewing the redacted materials, I find that the material for which leave to file under seal is sought is appropriate for protection.

I grant the request by SDG&E to file the March 30, 2005 materials under seal. SDG&E shall make the protected material available under a mutually agreeable protective order to any party in the proceeding but may withhold the protected materials from vendors that might bid to supply the products and services under consideration in the Advanced Metering Infrastructure Business Case Analysis.

Good cause appearing, **IT IS RULED** that:

1. San Diego Gas & Electric Company's (SDG&E) request for Appendices A and B to Exhibit 6, Appendix C to Exhibit 13, and Attachment B, Tables B-2 and B-3 to Exhibit 16 to the March 30, 2005 filing to be filed under seal is granted to the extent set forth herein.

2. The Commission's Central Files should remove and destroy the confidential materials from the March 15, 2005 filing from its files.

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<sup>2</sup> At the June 15 prehearing conference, I marked SDG&E's testimony for identification. The confidential materials were not marked for identification.

3. The confidential information, described above, is proprietary and competitively sensitive information. Public disclosure of this confidential information would jeopardize the ability of the utilities to obtain the lowest bids for products and services that are the subject of the application and thereby adversely affect ratepayers.

4. The confidential information will remain under seal for a period of two years from the date of this ruling. During this period, the information shall not be made accessible or disclosed to anyone other than (a) Commission staff; (b) other parties to this proceeding who have executed a reasonable nondisclosure agreement; or (c) upon the further order ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then-designated as Law and Motion Judge.

5. SDG&E may withhold the designated confidential information from potential bidders for the products and services at issue in the application. To the extent that a party disputes its designation as a potential bidder, the party and the utility may bring that dispute to the attention of the assigned Administrative Law Judge for resolution.

6. If SDG&E believe that further protection of this information is needed after two years, it may file a motion stating the justification for further withholding the information from public inspection, or for such other relief as the Commission rules may then provide. This motion must be filed no later than 30 days before the expiration of this protective order.

Dated June 21, 2005, at San Francisco, California.

/s/ MICHELLE COOKE  
Michelle Cooke

Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have this day served the attached Administrative Law Judge's Ruling Granting San Diego Gas & Electric Company Motion for Leave to File Documents Under Seal on all parties of record in this proceeding or their attorneys of record by electronic mail to those who provided electronic mail addresses, and by U.S. mail to those who did not provide email addresses.

Dated June 21, 2005, at San Francisco, California.

/s/ TERESITA C. GALLARDO  
Teresita C. Gallardo

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.